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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,643	05/22/2001	Robert N. Nelson		9818

7590 02/24/2005  
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EXAMINER

ZEWDU, MELESS NMN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/862,643

Applicant(s)

NELSON ET AL.

Examiner

Meless N Zewdu

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the communication filed on 10/4/04.
2. Claims 1-15 and 20-27 have been cancelled in this amendment.
3. Claims 16-19 are pending in this action.
4. The indicated allowability of claims 16-19 is withdrawn in view of the newly discovered reference(s) to Yang (US 5,282,246) and Lam (US 6,504,471 B1).

Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US 5,282,246).

**As per claim 16:** an aftermarket hands-free unit for a mobile wireless telephone, comprising:

a base unit having an integral generally annular nose insert-able into a vehicle power socket, said base including a housing with upper and lower housing portions reads on '246 (see fig. 1, elements 1 and 2; abstract; 2, lines 12-20) , a circuit board clam-shelled between the upper and lower housing portions with portions of both the upper and lower housing portions engaging and clamping the circuit board reads on

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'246 (see fig. 1, elements 51' and 1), and a speaker clam-shelled between the circuit board and the upper housing portion with portions of the circuit board and the upper housing portion engaging and clamping the speaker in a fixed position (see fig. 1, element 52'). The housing (fig.1, element 1) includes an upper and lower housing sections. The insert-able power plug, which is not labeled, is seen connected to the cord 2. Furthermore, speaker of the prior art includes speaker circuit (see col. 4, lines 17-25) which could have been built on a circuit board to provide supports for the circuit elements.

**As per claim 17:** an aftermarket hands free unit for a mobile wireless telephone, wherein the upper housing portion has a grill for the speaker reads on '246 (see fig. 1, element 52'). The position of the speaker grill would have been a choice of design.

**As per claim 18:** an aftermarket hands free unit for a mobile wireless telephone, including a finger insert-able recess in the housing with a switch therein for operating the hands free unit reads on '246 (see fig. 1, elements 2' and 3; col. 2, lines 12-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang as applied to the claims above, and further in view of Lam (US 6,504,471 B1).

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**As per claim 19:** but, Yang does not explicitly teach about an aftermarket hands free unit for a mobile wireless telephone, wherein the switch is an optical switch, as claimed by applicant. However, in a related field of endeavor, Lam teaches that a light sensitive component installed to switch on or off an apparatus according to the optical signal picked-up wherein the apparatus may be connected to a power supply provided from an automobile via the battery or cigarette lighter socket (see col. 1, lines 30-45; figs. 8 and 9; col. 3, lines 53-67; col. 6, lines 18-28). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Yang's switch with Lam's optical switch for the advantage of switching on and off an apparatus according to the picked-up optical signal (see col. 1, lines 30-45).

### ***Response to Arguments***

Applicant's arguments with respect to claims 16-19 have been considered but are moot in view of the new ground(s) of rejection.

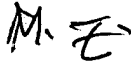
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu



Examiner

09 February 2005.



**WILLIAM TROST**  
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